

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**ADAM NORMAN,** )  
 )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**CAROLYN W. COLVIN, Acting** )  
**Commissioner of Social Security,** )  
 )  
**Defendant.** )

**CIVIL NO. 16-cv-237-CJP<sup>1</sup>**

## **MEMORANDUM AND ORDER**

## **Proud, Magistrate Judge:**

Before the Court is the parties' Joint Motion for Remand. (**Doc. 26**).

The parties agree that this case should be remanded to the Acting Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the Appeals Council will instruct an Administrative Law Judge (ALJ) to proceed through the sequential disability

<sup>1</sup> This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 17.

evaluation Case process as appropriate and issue a new decision. If warranted, the ALJ will obtain supplemental vocational expert testimony.”

The Court notes that plaintiff applied for disability benefits in February 2013, almost four years ago. (Tr. 18). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties’ Joint Motion for Remand (**Doc. 26**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Adam Norman’s application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: October 19, 2016.**

**s/ Clifford J. Proud  
CLIFFORD J. PROUD  
UNITED STATES MAGISTRATE JUDGE**